

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

ALBERT HERNANDEZ
ADC #65214

PLAINTIFF

V.

2:05CV00137 JLH/JTR

DR. LY, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray. No objections have been filed. After careful review, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Defendants' Motions to Dismiss (docket entries #58, #72, and #81) are GRANTED, and this case is DISMISSED, WITHOUT PREJUDICE, because Plaintiff has failed to fully and properly exhaust his administrative remedies.

2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

Dated this 26th day of May, 2006.

A handwritten signature in dark ink, appearing to read "J. Leon Holmes", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE